

MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, May 18, 2004
Tuesday, 9:05 A.M.

The City Council met in regular session with Mayor Mayans in the Chair. Council Members Brewer, Gray, Lambke, Martz, Schlapp; present. Council Member Fearey absent with prior notice.

Cathy Holdeman, Interim City Manager; Gary Rebenstorf, Director of Law; Karen Schofield, City Clerk; present.

Carol Meredith, St. John's Episcopal Church, gave the invocation.

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

The Minutes of the regular meeting of May 11, 2004, approved 6 to 0; (Fearey absent).

AWARDS AND PRESENTATIONS

PROCLAMATIONS Proclamations previously approved were presented.

CITIZENS ACADEMY Citizens Academy Graduation.

Graduates were recognized and presented with a certificate and pen.

RECOGNITION METRO Improved Transit System Award.

Jay Banasiak, Director of Transportation and his staff were recognized and presented an award.

PUBLIC AGENDA**WICHITA AREA BUILDERS ASSOCIATION AND JAY RUSSELL-REQUEST FOR THE CITY COUNCIL TO APPROVE SUB-DIVISION CONSENT ITEMS AT WORKSHOPS.**
(Represented by Wes Galyon)

Wes Galyon Mr. Galyon stated that he is here today on behalf of the land developers to request that the Council modify the protocol that is being followed at Council workshop meetings to approve sub-division contract items at each workshop. Such items are typically non-controversial in nature and the Council's approval at the workshops will have a positive impact on the community on a whole by moving projects forward that are already in the pipeline. Stated that time delays affect the scheduling and commencement of construction improvements. They add unnecessary and unwarranted costs and adversely affect the affordability of housing for those who want to purchase a home in a new subdivision. Developers want and need to keep subdivision projects moving forward and builders need to keep building homes and their employees, sub-contractors and suppliers busy and need the help of the Council to do so. When subdivision projects move more smoothly everyone benefits including the City with the growth of its tax base and increased revenues to pay for needed services and programs. Asking that the Council take the necessary action to begin approving subdivision consent agenda items at the next workshop meeting.

Mayor Mayans Mayor Mayans inquired why this is a bigger problem today then it was five or six years ago.

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- Wes Galyon Mr. Galyon stated that it did not seem to be a problem in the last couple of years but no action is being taken by the Council on these types of items at the workshops, which can be done because it is a public meeting. Stated that this causes a backlog and that they are now in the prime building season.
- Council Member Lambke Council Member Lambke stated that he has no problem with this request but has concerns that somebody else might want to request for an action to be taken at a workshop and it would open a door and make workshops a regular Council Meeting.
- Council Member Gray Council Member Gray stated that some of the changes that have taken place with the current Council coming in place a year ago has put some hindrance on this because one of the first things we did upon taking office was setting a timeline for which you could not bring last minute items on the agenda. Also this Council established more checks and balances within the system, which added further delays to the projects because the Council justifiably needed more involvement in the processes, which could have caused more problems now then several years ago because of the policy changes that have been made. Stated that the Council needs to accommodate the schedule to make it flow smoother than it is at this time.
- Gary Rebenstorf Director of Law stated that there is not a legal problem because there are already ordinances in place where the Council can designate other sites other than City Hall for meetings. The only other requirement is that you have a notice of the meeting, an agenda if you are going to consider items and have a vote on them and that the meeting is opened to the public.
- Council Member Martz Council Member Martz stated that maybe the Council should consider having part of each workshop be open with a potential consent agenda availability. Stated that this is probably a situation that needs to be addressed and one way to handle this might be to set aside at the opening of the workshop for consent items only. This would allow that time frame on the agenda on a regular basis and would like to see that considered.
- Council Member Brewer Council Member Brewer stated that the Council should definitely look at and make sure that the Council would not be limiting it to one particular group but to be fair and equitable with everyone.
- Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard.
- Lonnie Wright Mr. Wright stated that workshops have not been a place where there has been public discussion or where he has had agendas and minutes. Stated that before this Council the attitude was that the workshops were not opened to the public. Encourage the Council to have agendas and minutes available and opportunities for the public to have some discussion.
- Council Member Brewer Council Member Brewer stated he wants to make a correction regarding the comment that was made by Mr. Wright. Stated that he would like to clarify that anytime you have more than two Council Members at any location, it is opened to the public and that anytime there were workshops, the media has always been present and also members from the public.
- Motion-- Gray moved that the Council set a new policy to take action on consent agenda items only, at workshops and that this be done on a trial basis to see if it works properly and flows properly to insure that there are no problems with the process.
- Council Member Lambke Council Member Lambke stated that it is his understanding that at workshops the public is not involved with addressing the Council. If the Council is going to take action at a workshop, the public should have the right to speak and wants to make sure that the Council treats other groups in the same manner if they make a request.
- Council Member Gray Council Member Gray stated that unless consent agenda items are pulled off the consent agenda, they are not up for public hearings, so that citizens do not speak to those items unless they are removed.
- carried Motion carried 6 to 0; (Fearey absent).

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UNFINISHED BUSINESS

FIRE STATION 10

NAMING OF FIRE STATION 10. **(Deferred April 6, 2004)**

Dana Brown

City Manger's Office reviewed the item.

Agenda Report No. 04-0309B

On April 13, 2004, City Council named committee members to serve on the Naming Committee for Fire Station No. 10, in accordance with Council Policy #13. The Fire Station will be located at 21st Street and Chautauqua.

The committee convened on April 27, 2004 and reviewed the minutes and documentation on the three candidates previously submitted for consideration by the pre-committee. The committee convened again on May 4, 2004 to obtain additional information from staff on the names of three individuals submitted for consideration.

Based on the information reviewed, the Naming Committee decided that the honor should be bestowed upon the person that initially paved the way for African Americans to obtain employment with the Wichita Fire Department. The recommendation is Charles Shoots who was hired in 1894.

Motion--
--carried

Brewer moved that the name of Charles Shoots as the official name for Fire Station 10 be approved. Motion carried 6 to 0; (Fearey absent).

NEW BUSINESS

ETHANOL PROD.

PUBLIC HEARING AND REQUEST FOR LETTER OF INTENT FOR INDUSTRIAL REVENUE BONDS, ETHANOL PRODUCTS, LLC. (DISTRICT II)

Allen Bell

Director of Economic Development reviewed the item.

Agenda Report No. 04-0498

Ethanol Products, LLC is requesting the issuance of a one-year letter of intent for industrial revenue bonds (IRBs) in an amount not to exceed \$2,000,000. Bond proceeds will be used to finance the cost of acquiring, constructing and equipping a company headquarters facility. Ethanol Products is also requesting the City Council's approval of a 100% five-year tax exemption on bond-financed property and a second five-year exemption upon City Council approval.

Ethanol Products, LLC is a South Dakota company that was formed in May 2000. Ethanol Products is engaged in marketing, trading, distribution, risk management and market development of renewable fuels throughout the United States. Ethanol Products is the second largest supplier of fuel grade ethanol in the United States with over 615 million gallons of production per year, and currently markets for 18 ethanol plants in the upper Midwest, including one in Kansas. Ethanol Products' customers are primarily comprised of the major petroleum companies and the product is delivered to destinations all across the upper Midwest and on both the East and West Coasts.

Ethanol Products has outgrown its existing office building at 111 S. Ellis. The company plans to construct a 10,000 s.f. headquarters that will accommodate its existing operations. The new facility will be located at the northwest corner of 37th and Webb in northeast Wichita. Ethanol has committed to hire 15 new employees over the next five years. The average salary at Ethanol Products is \$116,000 per year.

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An analysis of the uses of project funds is:

Building and other Improvements	\$1,750,000
Furniture and Office Equipment	<u>250,000</u>
Total Cost of Project:	\$2,000,000

The firm Hinkle Elkouri Law Firm, L.L.C. will serve as bond counsel in the transaction. The bonds will be privately placed with the company. The Company agrees to comply with the City's requirements contained in the Standard Letter of Intent Conditions. The cost/benefit analysis based on the fiscal and economic impact model of the Wichita State University's Center for Economic Development and Business Research reflects cost/benefit ratios as follows:

City	1.21 to one
County	1.54 to one
USD 375	1.19 to one
State	8.64 to one

The Company agrees to pay all costs of issuing the bonds and the City's \$2,500 annual IRB administrative fee for the term of the bonds. Under the City's Business Incentive Policy, City Council may grant a 100% five-plus-five-year property tax exemption for corporate headquarters facilities.

The estimated first year's taxes on Ethanol Products' proposed \$2,000,000 expansion would be \$49,713 on real property improvements, and \$6,086 on personal property, based on the 2003 mill levy. Using the allowable tax exemption of 100 percent, the City would be exempting (for the first year) \$55,799 of new taxes from the real and personal property tax rolls. The tax exemption would be shared among the taxing entities as follows: City - \$15,667; County/State - \$14,887; and USD 375 - \$25,224.

Bond documents needed for the issuance of bonds will be prepared by the bond counsel. The City Attorney's Office will review and approve the form of bond documents prior to the issuance of any bonds. State law requires the City to hold a public hearing prior to approving property tax abatements.

Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Council Member Schlapp Council Member Schlapp stated that since this business is in her district she would have to abstain from voting because it would be a conflict of interest.

Motion-- Brewer moved that the public hearing be closed; a Letter of Intent to Ethanol Products, LLC for Industrial Revenue Bonds in an amount not-to-exceed \$2,000,000, subject to the Standard Letter of Intent Conditions, for a term of one-year, and approve a 100% tax abatement on all bond-financed improvements for an initial five-year period plus an additional five years following City Council review be approved and the necessary signatures authorized. Motion carried 5 to 0, (Schlapp abstained due to conflict of interest and Fearey absent).

--carried

DR2004-0005 **DR2004-0005-PROPOSED AMENDMENT TO THE APRIL 19, 2001 EDITION OF THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE (UZY) TO ARTICLE III-D.6FF AND ARTICLE VII-J, PERTAINING TO SEXUALLY ORIENTED BUSINESS IN THE COUNTY.**

Dale Miller Current Plans Supervisor reviewed the item.

Agenda Report No. 04-0499

MAPC Recommendation: (8-0)

Staff Recommendation: Recommended approval.

D.A.B. Recommendation: Not reviewed by DABs.

Regulations for the sexually oriented businesses were added to the Unified Zoning Code ("UZY") in 2001 to correspond to Sedgwick County's Adult Entertainment Code. The Proposed changes are being requested to maintain the alignment of the Unified Zoning Code with the recent Adult Entertainment

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Code revisions (March 4, 2004) of Sedgwick County. The proposed changes will not affect the adult entertainment regulations within the City of Wichita. The changes that will affect land in the unincorporated area of the county are as follows:

Alcohol/Cereal Malt Beverage Establishments. The changes eliminate the requirement that 1,000 foot buffer be between an adult establishment and an alcohol or cereal malt beverage establishment. Location from Churches, Schools, Public Parks, Residences or Other Adult Establishments. The requirement that new adult establishments be located more than 1,000 feet from churches, schools, public parks, residential dwellings or other adult establishments is NOT changed. However, adult establishments operating and licensed on June 28, 2000 and continuously operating since then need not relocate but may remain indefinitely at that location if they meet certain requirements. The proposed changes refer to the County's Adult Entertainment Code provisions for a determination as to whether those requirements are met.

The County's Adult Entertainment Code requires the following be met to allow an existing establishment to remain at the existing location. The establishment must be: (1) separated from churches, schools, public parks, residences or other adult establishments by a snow emergency route or floodway; (2) licensed; and (3) remain licensed continuously. Grandfathering will be lost, however, if: (1) operation of an adult establishment is discontinued for 90 days or more; (2) nuisance activity takes place on the licensed premises or is engaged in by adult establishment employees; or (3) the establishment becomes unlicensed.

At the MAPC meeting held April 22, 2004, the Commission voted (8-0) to recommend the amendment to the Unified Zoning Code. MAPC members discussed that the requested changes were more permissive than the existing code and the location of existing adult businesses in the county.

- Mayor Mayans Mayor Mayans inquired if anyone wished to be heard and no one appeared.
- Mayor Mayans Mayor Mayans inquired that if this is a joint effort why does the county drive the public policy.
- Dale Miller Mr. Miller explained that since this is dealing with adult entertainment the City of Wichita has its own regulations regarding handling adult entertainment inside the city limits, which are different from what the county has. Stated that since the unified zoning code (UZC) is a joint code it requires both governing bodies to adopt it in order for anything to be put into the UZC. This will only change businesses that are in the county and has no affect inside the city limits.
- Karen Duranlo Assistant County Counselor explained that this change was prompted by an effort to clean up the Oaklawn area, which is in the county. Stated that this has been a problem and the citizens are very interested in cleaning up their area and the provisions that are enacted by these changes would allow certain clubs to remain in their locations and also be allowed to have alcohol in those same locations. Stated that the clubs that will be allowed to remain where they are and have alcohol in the same establishment are not within the central Oaklawn area. Stated that if the Council chooses to enact this it would allow those clubs to stay there with no time limit on them, which would be an indefinite grandfather clause.
- Dale Miller Mr. Miller stated that if this is not approved to amend the zoning code, then it will make it very difficult for the county to enforce their licensing provisions because they will be different from what the zoning provisions would be and anyone being charged would be able to go to a judge and say that the county has conflicting regulations
- Council Member Brewer momentarily absent.
- Council Member Schlapp Council Member Schlapp stated because of the number of questions that are being asked today, would ask that this item be deferred if it does not impede the county's ability to proceed.
- Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard and no one appeared.
- Motion-- Schlapp moved to defer this item to a workshop for further discussion and to bring back to the next Council Meeting. Motion carried 6 to 0; (Fearey absent).
--carried

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MOU

MEMORANDUM OF UNDERSTANDING-ANIMAL FACILITIES PARTNERSHIP.

Kay Johnson

Director of Environmental Health reviewed the item.

Agenda Report No. 04-0500

The City of Wichita and the Kansas Humane Society have provided animal care and shelter facilities to the citizens of Wichita in a similar and cooperative manner for many years. Both organizations have inadequate facilities to accommodate the increased animal populations and the growing needs for animal care and sheltering. The Kansas Humane Society has plans to construct a new facility to meet its continuing growth. The City of Wichita has programmed funds in its Capital Improvement Program to replace a 20-year old facility that can no longer provide adequate animal care, shelter and control. Since both organizations intend to construct new and expanded facilities to accommodate the needs of the community, a joint partnership to co-locate those facilities and coordinate programs and services would offer efficiencies and operational benefits to both organizations.

The purpose of the proposed MOU is to formally establish a policy directive between the City of Wichita and the Kansas Humane Society to initiate steps to study, identify and negotiate various planning and project considerations aimed at reaching an agreement sufficient to enter into a Project Agreement and partnership. The MOU, as proposed, will serve as a "blue print" to address issues and develop the concept sufficiently to move forward with a workable partnership to best serve the community.

The Kansas Humane Society is conducting a capital campaign to construct a new facility, and has raised 2.7 Million dollars to that end. City Council has previously approved an allocation in the Capital Improvements Program to replace its outdated facilities. To implement the directive of the MOU, it will be necessary for the City Council (and the Kansas Humane Society Board of Directors) to appropriate funds in advance of the Project Agreement to study elements of the concepts and provide both governing bodies preliminary cost estimates for conceptual design.

The City Council has the authority to enter into a MOU with the Kansas Humane Society to explore a partnership for joint animal care and shelter facilities and to develop a formal Project Agreement. Any implementing agreement that would allocate and authorize the expenditure of funds or operating responsibilities would need to be done by a separate contract meeting the requirements of the inter-local cooperation act, KSA 12-2904.

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| Council Member Martz | Council Member Martz inquired whether Kansas State University is involved in this and if not to see if it would be possible for them to be. |
| Kay Johnson | Director of Environmental Health explained that the MOU does not recommend that Kansas State University be involved at this time but that the facilities will allow expansion if that is what the Council would want to do. Stated that they have talked to Kansas State University and they are reluctant to be involved at this time. |
| Kay Johnson | Director of Environmental Health stated that they have talked to Kansas State University about being involved with their conceptual design so they are still interested in staying a part of this but at this time the MOU is strictly between the City and the Kansas Humane Society. |
| Council Member Lambke | Council Member Lambke asked that in the third line of the recommended action it should say "consideration" of a plan instead of "approval" a plan. |
| Council Member Gray | Council Member Gray stated that the City is going to have a very expansive cost for this project but a way that Kansas Stated University could contribute would be to help with the architectural design of the building, which would be a way that they could contribute to the project and have some ownership in this. |
| Council Member Brewer | Council Member Brewer stated that by having all three entities involved in this would help the community and also help in other areas and compliment each other. Encouraged the Environmental |

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Health Department to continue to work with Kansas State University in trying to see if we can get them to stay involved and to see what it would take to move a veterinarian hospital to Wichita.

Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion-- Mayans moved to approve the Memorandum of Understanding; authorized Staff to work with the Kansas Humane Society in the development of a negotiated Project Amendment; and develop for future consideration subsequent Council approval, a plan for joint funding of preliminary architectural and environmental reviews necessary to identify conceptual design considerations and estimated project costs. Motion carried 6 to 0; (Fearey absent).

--carried

132 NORTH MOSLEY CHANGE ORDER: OLD TOWN PARKING LOT AT 132 NORTH MOSLEY. (DISTRICT VI)

Chris Carrier Acting Director of Public Works reviewed the item.

Agenda Report No. 04-0501

On September 9, 2003, the City Council approved a project to acquire a building at 132 N. Mosley, demolish it and construct a parking lot on the site. On November 4, 2003, the City Council approved a construction contract to construct the parking lot for \$175,651. At this time, the Council did not approve the add alternate to construct a primary wall along the east side of the lot nor an add alternate to build a trash enclosure since funding was reserved for removing contaminated soil if it was discovered after removing the building's foundation. After removing the foundation, however, no contamination was found. There are now sufficient funds remaining for additional components of the project that had been envisioned as part of this project. The additional work can be accomplished by a change order.

The proposed addition features are: (1) a brick screening wall along Washington Street on the east parking lot boundary (\$32,000), (2) a trash enclosure for a commercial trash container (\$9,500), and (3) a revision to the electrical system to bury electrical lines (\$1,000).

The Change Order amount has not been determined at this time, but will not exceed \$42,500. The original contract amount is \$175,651. The Change Order represents 24.2% of the original contract amount.

The Change Order estimate is within the 25% construction contract cost limit set by the City Council policy.

Mayor Mayans Mayor Mayans stated that if the trash receptacle belong to the businesses that they should pay for the enclosure and not the City. Stated that the City is giving them a parking lot that is going to enhance their business.

Council Member Gray Council Member Gray stated that since this is the business owners trash receptacle that they should pay for it and to omit the \$9,500.00 from this order.

Council Member Schlapp Council Member Schlapp stated that she was involved in this discussion with Council Member Fearey whose district this affects and that she had suggested a fence that was made of vinyl and there was discussion regarding looking at the cost of a fence of that nature, which would be a lot less. Would like to make sure that the Council has Council Member's Fearey's feelings included on this issue.

Cathy Holdeman Interim City Manager stated that all of the trash enclosures have been provided by the City of Wichita, they have not been privately funded in the past. Stated that Council Member Fearey did suggest that we look at some alternatives to the wood fence or possibly a vinyl fence, which are very esthetically pleasing.

Terry Cassady Development Assistance Director stated that she and Council Member Fearey asked for some estimates and worked with an engineer to help with specifications for a vinyl fence. Stated that they needed an 8' fence and many of the suppliers do not make an 8' vinyl fence. Stated that they did however, find a vendor that could produce this for them but that the colors would be white or light tan and she and

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Council Member Fearey discussed whether or not those colors fit in with the Old Town district colors. Stated that they were hoping to find something that looked like wood or something that was a dark green that would be compatible with some of the trim paint that are on the other buildings in Old Town. Stated that they felt like introducing the white and light tan colors into Old Town would be a stark change.

Mayor Mayans Mayor Mayans stated that this is a business area and just because in the past the City has provided for those kinds of things for the businesses, it is time to start changing those practices. The City has given them a great parking lot that they can use and they can cover their own trashcans. Stated that he is not going to support the City funding the trash enclosure.

Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion-- Mayans moved to approve the change order; defer the commercial trash enclosure; and authorize the signing of the change order as required. Motion carried 6 to 0; (Fearey absent).
--carried

CITY COUNCIL AGENDA

BOARD APPTS. BOARD APPOINTMENTS.

There were no appointments made.

CONSENT AGENDA

Council Member Lambke Council Member Lambke requested that Item 30b be pulled for discussion.

Motion-- Mayans moved that the Consent Agenda, excluding Item 30b, be approved as consensus items.
--carried Motion carried 6 to 0; (Fearey absent).

BOARD OF BIDS REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED MAY 17, 2004.

Bids were opened May 14, pursuant to advertisements published on:

PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION: Sewers, Paving and Water Mains per specifications.

Rock Road, 21st Street North to 29th Street North - 87N-0197-01/472-83889/706874 /204340).
Traffic to be maintained during construction using flagpersons and barricades. (District II)

Cornejo & Sons Construction - \$1,455,770.34 (Subject to KDOT approval)

Maize Court from the west line of Maize Road to and including cul-de-sac to serve Lots 1 through 12, Block C to serve Southern Ridge Addition - south of Pawnee, west of Maize. (472-83956/765860/490971) Does not affect existing traffic. (District V)

APAC – Kansas Inc. - \$89,914.35

27th Street South from the west line of McLean Boulevard to the east line of Exchange Place to serve Kingston Cove 2nd Addition - south of Pawnee, east of Seneca. (472-83860/765831/490942) Does not affect existing traffic. (District IV)

Cornejo & Sons Construction - \$65,477.00

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Storm Water Drain #208 to serve Harvest Ridge Addition - north of K-42, west of Maize. (468-83662/751351/485242) Does not affect existing traffic. (District V)

Dondlinger & Sons - \$62,555.00

Water distribution system to serve Hinkle's Addition - south of 29th Street North, east of Woodlawn. (448-89932/735190/470860) Does not affect existing traffic. (District I)

Wilks Underground - \$12,220.00

Storm Water Drain #227 to serve Krug North Addition - north of 21st Street North, west of 143rd Street East. (468-83792/751364/485255) Does not affect existing traffic. (District II)

Bob Bergkamp Construction - \$256,159.20

Motion--

Mayans moved that the contract(s) be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 6 to 0; (Fearey absent).

--carried

PUBLIC WORKS DEPARTMENT/BUILDING DIVISION: Building Demolition.

National Builders Inc. - \$1,142,375.00 (Group 1 total net bid)
\$ 658.10 (Group 1/Alternate A)

PUBLIC WORKS DEPARTMENT/BUILDING DIVISION: Asbestos Abatement for Demolition.

Minority Contractors & Consultants Inc. \$1,495.76* (Group 1 total net bid)

HOUSING SERVICES DEPARTMENT/PUBLIC HOUSING DIVISION: Interior & Exterior Renovation.

S & A Contractors Inc. - \$46,877.00 (Group 1 total net bid)

WATER & SEWER DEPARTMENT/WATER DISTRIBUTION DIVISION: Meter Box Rings, Lids, and Risers.

Deeter Foundry Inc. - \$37,420.00* (Group 1/Alternate A/total net bid)

WATER & SEWER DEPARTMENT/WATER DISTRIBUTION DIVISION: Meter Boxes.

Water Products Inc. - \$41,235.00* (Group 1 total net bid)

WATER & SEWER DEPARTMENT/WATER DISTRIBUTION DIVISION: Waterworks Supplies.

Heartland Waterworks Supply - \$46,077.76* (Group 1 total net bid)

Water Products Inc. - \$12,463.68* (Group 2 total net bid)
\$ 7,632.00* Group 3 total net bid)

Heartland Waterworks Supply - \$143,768.40* (Group 4 total net bid)

Water Products Inc. - \$1,407.78* (Group 5 total net bid)
Water Products Inc. - \$5,336.00* (Group 6 total net bid)

Hajoca Corporation - \$14,312.00* (Group 7 total net bid)

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VARIOUS DEPARTMENTS/VARIOUS DIVISION: Overhead Door Repair.

D H Pace Architectural Doors & Hardware - \$31,200.00* (Group 1 total net bid)

LIBRARY DEPARTMENT: New Cisco Mexswitch Plus Maintenance.

F.A. Systems dba Micro World – \$16,320.00 (Group 1 total net bid)

WATER & SEWER DEPARTMENT/SEWER MAINTENANCE DIVISION: Lagoon Closure.

Mies Construction Inc. - \$62,849.00 (Award additional 17,000 cubic yards)

FINANCE DEPARTMENT-IT/IS DIVISION: BizTalk Software.

Software Spectrum* - \$16,133.10 (As per State of Kansas Contract #33426)

*Purchases utilizing Government Entities Contracts, Cooperative Contracts, and Agreements/Ordinance No. 38-122 Section 2.64.020 (j).

Motion--
--carried

Mayans moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 6 to 0; (Fearey absent).

CMB

APPLICATION FOR LICENSE TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>2004</u>	<u>(Consumption off Premises)</u>
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Van Phillips	On the Road	1622 South West street
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Motion--
--carried

Mayans moved that the license, subject to Staff review and approval, be approved. Motion carried 6 to 0; (Fearey absent).

PRELIMINARY ESTS. PRELIMINARY ESTIMATES:

a) 2004 Wheelchair Ramp & Sidewalk - Phase 1 - north of Harry, east of Meridian. (472-83966 /706879/204345) Traffic to be maintained during construction using flagpersons and barricades. (Districts I, VI) - \$190,900

b) Lateral 365 Four-Mile Creek Sewer to serve Krug North Addition - north of 21st Street North, west of 143rd Street East. (468-83788/744051/480739) Does not affect existing traffic. (District II) - \$321,000

c) Water distribution system to serve Krug North Addition - north of 21st Street North, west of 143rd Street East. (448-89934/735186/470856) Does not affect existing traffic. (District II) - \$125,000

Motion--carried

Mayans moved that the Preliminary Estimates be approved and filed. Motion carried 6 to 0; (Fearey absent).

DEEDS/EASEMENTS DEEDS AND EASEMENTS:

a) Sanitary Sewer Easement from the City of Wichita, a Municipal Corporation for a tract of land located in the drainage dedication as dedicated in the plat of The Dugan Centre, and Addition to Wichita, Kansas (Texas Roadhouse, OCA #607861). No cost to City.

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- b) Waterline easement from the City of Wichita, a Municipal Corporation for a tract of land located in the drainage dedication as dedicated in the plat of The Dugan Centre, and Addition to Wichita, Kansas (Texas Roadhouse, OCA #607853). No cost to City.
- c) Dedication dated August 12, 2003, from Michael D. and Deborah K. Ammerman for a tract of land located in Lot 10, Block 3, Leewood Heights Fourth Addition to Sedgwick County, Kansas (Proj. 472-83474, OCA #765717). No cost to City.
- d) Dedication dated August 26, 2003 from Daniel K. and Selma S. Thompson for a tract of land located in Lot 1, Block 1, Leewood Heights Fourth Addition to Sedgwick County, Kansas (Proj. 472-83474, OCA #765717). No cost to City.

Motion--carried Mayans moved that the documents be accepted. Motion carried 6 to 0; (Fearey absent).

COST STATEMENT STATEMENT OF COST:

- a) (First Amended Partial) Estimate of Cost for Hillside, Kellogg to Central - \$157,139; less financing previously issued - \$0. Financing to be issued at this time - \$157,139. (706867/472-83862/204-333).

Motion--carried Mayans moved that the statement of cost be approved and filed. Motion carried 6 to 0; (Fearey absent).

KRUG NORTH ADD. CONSTRUCT A STORM SEWER DRAIN IN KRUG NORTH ADDITION, NORTH OF 21ST STREET, WEST OF 143RD STREET EAST. (DISTRICT II)

Agenda Report No. 04-0502

On April 13, 2004, the City Council approved a Petition to construct a storm water drain in Krug North Addition. An attempt to award a contract within the budget set by the petition was not successful. The developer has submitted a new Petition with an increased budget. The signature on the new Petition represents 100% of the improvement district.

The project will serve a new residential development located north of 21st, west of 143rd Street East.

The existing Petition totals \$277,000. The new Petition totals \$330,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of the majority of the property in the improvement district.

Motion--
--carried Mayans moved that the Petition be approved and the Resolution adopted. Motion carried 6 to 0; (Fearey absent).

RESOLUTION NO. 04-233

A Resolution amending Resolution No. 04-181 pertaining to improving Storm Water Drain No. 227 (north of 21st Street, west of 143rd Street East) 468-83792, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0: Yeas: Brewer, Gray, Lambke, Martz, Schlapp, Mayans. (Fearey Absent)

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WESTBREEZE ADD. CONSTRUCT A WATER DISTRIBUTION SYSTEM TO SERVE LOT 11, BLOCK 3, WESTBREEZE ADDITION, SOUTH OF 2ND STREET, WEST OF WEST STREET. (DISTRICT IV)

Agenda Report No. 04-0503

The Petition has been signed by two owners, representing 100% of the improvement district.

The project will provide water service to a home at 233 North Doris.

The Petition totals \$7,500. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion--
--carried

Mayans moved that the Petition be approved and the Resolution adopted. Motion carried 6 to 0; (Fearey absent).

RESOLUTION NO. 04-234

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89953 (south of Second Street, west of West Street) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0: Yeas: Brewer, Gray, Lambke, Martz, Schlapp, Mayans. (Fearey Absent)

FOX RIDGE ADD. PAVING, SANITARY SEWER, STORM WATER SEWER AND WATER DISTRIBUTION SYSTEM TO SERVE FOX RIDGE ADDITION, EAST OF MAIZE, NORTH OF 29TH STREET NORTH. (DISTRICT V)

Agenda Report No. 04-0504

On June 10, 2003, the City Council approved Petitions for paving, sanitary sewer, storm water sewer, and the water distribution system in Fox Ridge Addition. The developer has submitted new Petitions to modify the construction phasing to reflect changing market conditions within the development. The signature on the new Petitions represents 100% of the improvement districts.

These projects will serve a new residential development located east of Maize, north of 29th Street North.

The Petitions total \$1,589,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion--
--carried

Mayans moved that the Petitions be approved and the Resolutions adopted. Motion carried 6 to 0; (Fearey absent).

RESOLUTION NO. 04-235

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89952 (east of Maize, north of 29th Street North) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Gray, Lambke, Martz, Schlapp, Mayans. (Fearey absent)

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RESOLUTION NO. 04-236

Resolution of findings of advisability and Resolution authorizing construction of Lateral 14, Northwest Interceptor Sewer (east of Maize, north of 29th Street North) 468-83812, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Gray, Lambke, Martz, Schlapp, Mayans. (Fearey absent)

RESOLUTION NO. 04-237

Resolution of findings of advisability and Resolution authorizing improving Storm Water Drain No. 232, (east of Maize, north of 29th Street North) 468-83813, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Gray, Lambke, Martz, Schlapp, Mayans. (Fearey absent)

RESOLUTION NO. 04-238

Resolution of findings of advisability and Resolution authorizing improving Westlakes Court serving Lots 1 through 9, Block 1, from the north line of Westlakes Parkway to and including the cul-de-sac; Westlakes Court serving Lots 10 through 18, Block 1, from the north line of Westlakes Parkway to and including the cul-de-sac; Westlakes Court serving Lots 19 through 45, Block 1, from the north line of Westlakes Parkway to and including the cul-de-sac; Westlakes Court serving Lots 1 through 13, Block 4, from the west line of Westlakes Parkway to and including the cul-de-sac; Westlakes Parkway from the east line of Maize Road to the west line of Lot 45, Block 1; sidewalk constructed on the north side on Westlakes Parkway from the east line of Maize to the west line of Lot 45, Block 1, (east of Maize, north of 29th Street North) 472-84025, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Gray, Lambke, Martz, Schlapp, Mayans. (Fearey absent)

HIDDEN GLEN ADD. SANITARY SEWER AND DRAINAGE IMPROVEMENTS FOR HIDDEN GLEN ADDITION, WEST OF HYDRAULIC, BETWEEN 44TH AND 45TH STREET SOUTH. (DISTRICT III)

Agenda Report No. 04-0505

The Petitions have been signed by one owner, representing 100% of the improvement districts.

These projects will provide sanitary sewer and drainage improvements to a new residential development located west of Hydraulic, between 44th and 45th Street South.

The Petitions total \$490,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion--
--carried

Mayans moved that the Petitions be approved and the Resolutions adopted. Motion carried 6 to 0; (Fearey absent).

RESOLUTION NO. 04-239

Resolution of findings of advisability and Resolution authorizing improving of Lateral 91, Main 9, Southwest Interceptor Sewer (west of Hydraulic, between 44th and 45th Street South) 468-83484, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Gray, Lambke, Martz, Schlapp, Mayans. (Fearey absent)

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RESOLUTION NO. 04-240

Resolution of findings of advisability and Resolution authorizing improving of Storm Water Sewer No. 574 (west of Hydraulic, between 44th and 45th Street South) 468-83485, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Gray, Lambke, Martz, Schlapp, Mayans. (Fearey absent)

DEWITT 4TH ADD.

PETITIONS FOR SANITARY SEWER AND WATER DISTRIBUTION SYSTEM FOR DEWITT 4TH ADDITION, SOUTH OF PAWNEE, EAST OF WEST STREET. (DISTRICT IV)

Agenda Report No. 04-0506

The Petitions have been signed by one owner, representing 100% of the improvement districts.

These projects will provide sanitary sewer and a water distribution system to a new commercial building located south of Pawnee, east of West Street.

The Petitions total \$50,500. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion--
--carried

Mayans moved that the Petitions be approved and the Resolutions adopted. Motion carried 6 to 0; (Fearey absent).

RESOLUTION NO. 04-241

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89929 (south of Pawnee, east of West Street) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Gray, Lambke, Martz, Schlapp, Mayans. (Fearey absent)

RESOLUTION NO. 04-242

Resolution of findings of advisability and Resolution authorizing construction of Lateral 167, Sanitary Sewer No. 22 (south of Pawnee, east of West Street) 468-83782, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Gray, Lambke, Martz, Schlapp, Mayans. (Fearey absent)

KANSAS SURGERY

SANITARY SEWER AND WATER DISTRIBUTION SYSTEM TO SERVE PART OF KANSAS SURGERY AND RECOVERY CENTER ADDITION, EAST OF WEBB, SOUTH OF 29TH STREET NORTH. (DISTRICT II)

Agenda Report No. 04-0507

The Petitions have been signed by one owner, representing 100% of the improvement districts.

These projects will provide sanitary sewer and water service to a new medical building located east of Webb, south of 29th Street North.

The Petitions total \$47,000. The funding source is special assessments.

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State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion--
--carried

Mayans moved that the Petitions be approved and the Resolutions adopted. Motion carried 6 to 0; (Fearey absent).

RESOLUTION NO. 04-243

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89954, (east of Webb, south of 29th Street North), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Gray, Lambke, Martz, Schlapp, Mayans. (Fearey absent)

RESOLUTION NO. 04-244

Resolution of findings of advisability and Resolution authorizing construction of Lateral 46, Main 24, War Industries Sewer (east of Webb, south of 29th Street North) 468-83806, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Gray, Lambke, Martz, Schlapp, Mayans. (Fearey absent)

STREET CLOSURES CONSIDERATION OF STREET CLOSURES/USES.

Agenda Report No. 04-0531

In accordance with the Special Events Procedure, event sponsors are to notify adjacent property owners and coordinate arrangements with Staff, subject to final approval by the City Council.

The following street closure requests have been submitted:

- 1) Neighborhood Block Party – Saturday, June 5th, 5:00 – 10:00 p.m.
Block of 200 S. Circle Drive. Barricades placed at E. English Street and at E. Waterman Street from 201 to 240 S. Circle Drive.
- 2) Neighborhood Block Party – Saturday, June 1st, 5:00 – 7:30 p.m.
Block of 1625 – 1716 N. Wood Avenue. Barricades placed where N. Cheryl Place intersects at both ends of Wood Avenue.
- 3) Neighborhood Block Party – Saturday, May 22nd, 5:00 – 10:00 p.m.
Block of 900 Wilbur Lane. Barricades placed at intersection of Wilbur Lane and W. Quail Lane and W. School Street.
- 4) Church Event – Saturday, June 5th, 1:00 – 5:00 p.m.
Block of 1300 E. 8th. Barricades placed at intersections of N. Cleveland Avenue and N. Indiana Avenue.

Police security is arranged to remove blockades as necessary to allow emergency vehicle access during entire designated time period

Inasmuch as possible, event sponsors are responsible for all costs associated with special events.

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Motion-- Mayans moved that the Event sponsors notifying every property and/or business adjoining any portion of the closed street; Coordination of event arrangements with City Staff; Hiring off-duty public safety officers as required by the Police Department; Obtaining barricades to close the streets in accordance with requirements of Police, Fire and Public Works Department; Submitting a Certificate of Insurance evidencing general liability insurance which covers the event and its related activities, including the naming of the City as an additional insured with respect to the event's use of the closed City streets.

--carried Motion carried 6 to 0; (Fearey absent).

CLAIMS

REPORT ON CLAIMS ALLOWED – APRIL, 2004.

<u>Name of Claimant</u>	<u>Amount</u>
Brown, Brenda	\$110.00**
Cherrywood Construction, Inc.	\$206.81
Dayvault, David	\$121.06
Formsma, Laura	\$223.00
Hanley, Fred	\$284.00**
Howard, Patrick	\$366.32
Kansas Gas Svc.	\$665.48
Krauer, Matthew	\$232.00
Leon, Nicole N.	\$229.61
Moore Engineering Services	\$660.00
Mosier, Beth	\$77.81
Sedgwick County Soccer Association	\$425.00
Shore, Derek and Liz	\$746.00**
Smith, Thaddeus Brumley	\$1,903.65
Warner, Robert	\$59.00

** Settled for lesser amount than claimed.

Motion--carried Mayans moved that the report be received and filed. Motion carried 6 to 0; (Fearey absent).

RR CROSSINGS

AGREEMENT FOR REMOVAL OF ABANDONED RAILROAD CROSSINGS. (DISTRICTS IV & V)

Agenda Report No. 04-0508

In October 2001, the City of Wichita signed an agreement with the State of Kansas and the Central Kansas Railway to abandon a rail line between Kingman, Kansas and the crossing of McCormick Street in Wichita. Since that time, the abandonment has proceeded and the track structure in this area was salvaged by American Rail Marketing, LLC (AmRail). Negotiations between AmRail and City staff have yielded the agreement which requires AmRail to pay the City of Wichita \$33,890.00 (Thirty-three Thousand Eight Hundred Ninety Dollars) to contract the removal of seven rail crossings and repair the streets (work) at the following locations:

West Street, south of Kellogg
Hoover Road, south of Kellogg
Julia Street, south of Kellogg
Dugan Road, south of Kellogg
Old Airport Road, south of Kellogg
Ridge Road, south of Kellogg
Lark Lane, south of Kellogg

The estimated expense of the removal and repair work is \$33,890.00. Once the payment is received, the City of Wichita, Department of Public Works will proceed with plan preparation and letting of the removal/repair project.

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Motion--
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 6 to 0; (Fearey absent).

A-1 TRASH SERVICE CONTRACT FOR SOLID WASTE COLLECTION WITH A-1 TRASH SERVICE.

Agenda Report No. 04-0509

In 1997, the City Council established a program to license "solid waste collectors". To implement this program all existing commercial users of the Brooks Landfill were required to enter into a ten-year contract with the City and to purchase an annual occupation license at \$25 per company. These changes were incorporated into the City Code as Chapter 3.51.

A-1 Trash Service is a new company that seeks a solid waste collector occupation license. In order for a license to be granted to A-1 Trash Service, Chapter 3.51 requires the company to enter into a contract with the City. This will also ensure that all competing haulers are treated equally. All of these contracts (original and the current one) will expire at the same time on October 10, 2007.

A-1 Trash Service will pay \$25 per year for its license if the contract is approved.

Motion--
--carried

Mayans moved that the contract be approved and the necessary signatures authorized. Motion carried 6 to 0; (Fearey absent).

SPEC. LIQUOR TAX SPECIAL LIQUOR TAX CONTRACT RENEWALS AND REQUEST FOR PROPOSALS (RFP).

Agenda Report No. 04-0510

Excluding the COMCARE Administration contract, there are presently eighteen (18) alcohol and substance prevention and/or treatment projects receiving Special Liquor Tax funds. These include twelve programs with a calendar year funding period, five innovative projects with a June 1 through May 31st funding period, and a July 1 through June 30th Case Management program. The calendar year funded programs were selected through a Request for Proposals (RFP) issued in 2001 and will complete their second, and last available, contract renewal period on December 31, 2004. The innovative projects and case management program were selected through March 2002 issued RFPs and will complete their first contract renewal period on May 31, 2004 and June 30, 2004 respectively, with one more renewal option available. The Special Liquor Tax Coalition recommends that the Council renew the innovative projects and case management program only through December 31, 2004 and that the Council authorize the issuance of a comprehensive Special Liquor Tax RFP to select programs, on a calendar year basis, for 1995 funding.

The Council is requested to approve renewal of a case manage contract with Miracles, Inc. for a six month period ending December 31, 2004 at a prorated amount of \$120,792, which is half of their second-year funding allocation of \$241,584. The Council is also requested to approve renewal of all five innovative projects for an additional seven-month period ending December 31, 2004 at prorated amounts of their last year's funding allocation.

These innovative projects include:

Project Name	Annual Allocation	Prorated Amount
Center for Health & Wellness	\$55,527	\$32,391
Communities in Schools	\$30,557	\$17,825
Regional Prevention Center	\$76,394	\$44,563
Tiyospaye, Inc. (Higher Ground)	\$68,535	\$39,979
Youth Development Services	\$27,744	\$16,184

COMCARE of Sedgwick County, as part of its Special Liquor Tax Fund Administration Contract, has produced a report detailing outcomes of these projects.

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The Council is also requested to authorize the Special Liquor Tax Coalition and City staff to issue a comprehensive Special Liquor Tax RFP, which will solicit proposals for 1995 calendar year funding in four categories. These four categories will include: (1) alcohol and substance prevention and treatment programs; (2) a detoxification program; (3) a case management program; and (4) an innovative projects component. The Special Liquor Tax Coalition will review proposals submitted in response to the RFP and their funding recommendations will be presented to the Council at a future meeting.

Funds are available in the Special Liquor Tax Fund to renew the Case Management Contract at \$120,792 and the five innovative pilot projects totaling \$150,942 through December 31, 2004. The contracts will not obligate general fund monies.

Approval as to form by the Department of Law will be obtained prior to the execution of the contract renewals.

Motion-- Mayans moved that the contract renewals through December 31, 2004 be approved and that the issuance of a RFP for 2005 funded programs and the necessary signatures be authorized. Motion
--carried carried 6 to 0; (Fearey absent).

KRUG NORTH ADD. KRUG NORTH ADDITION, NORTH OF 21ST STREET, WEST OF 143RD STREET EAST. (DISTRICT II)

Agenda Report No. 04-0511

The City Council approved the water distribution system, sanitary sewer, storm water sewer and paving improvements in Krug North Addition on April 13, 2004.

The proposed Agreement between the City and Baughman Company, P.A. provides for the design of bond financed improvements consisting of water distribution system, sanitary sewer, storm water sewer and paving in Krug North Addition. Per Administrative Regulation 7a, staff recommends that Baughman be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment to Baughman will be on a lump sum basis of \$104,300, and will be paid by special assessments.

Motion-- Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion
--carried carried 6 to 0; (Fearey absent).

FAWN GROVE FAWN GROVE AT SUNSET LAKES, SOUTH OF KELLOGG, WEST OF GREENWICH. (DISTRICT II)

Agenda Report No. 04-0512

The City Council approved the water distribution system, sanitary sewer, storm water sewer and paving improvements in Fawn Grove at Sunset Lakes on April 6, 2004.

The proposed Agreement between the City and Ruggles & Bohm, P.A. (R&B) provides for the design of bond financed improvements consisting of water distribution system, sanitary sewer, storm water sewer and paving in Fawn Grove at Sunset Lakes. Per Administrative Regulation 7a, staff recommends that R&B be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment to R&B will be on a lump sum basis of \$79,350, and will be paid by special assessments.

Motion-- Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion
--carried carried 6 to 0; (Fearey absent).

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BROOKS LANDFILL BROOKS C & D LANDFILL OPERATIONS CONTRACT – SUPPLEMENTAL. **(DISTRICT VI)**

Agenda Report No. 04-0513

In late 2003, the City of Wichita purchased a grinder and loader to process Construction and Demolition (C&D) waste at Brooks C&D Landfill. The new equipment is used along with a waste screener to reduce volume at the landfill, screen unacceptable waste from street sweepings, and facilitate wood waste disposal. The 2004 C&D Landfill budget includes funding to employ two full-time equipment operators to operate this equipment.

Currently Herzog Environmental, Inc. manages the C&D disposal operations at Brooks, under a contract with the City. As an alternative to using City employees for this additional work, Herzog has proposed an amendment to their scope of work, to operate the City of Wichita's equipment at Brooks. This would ensure continuity and proper coordination of the grinding and screening operations with Herzog's ongoing operations at the landfill.

The City has not filled the two equipment operator positions. Herzog proposes to provide two full-time people dedicated to the grinding and screening operations. Under this proposal, the City of Wichita will pay on an hourly basis per employee, only for hours worked performing grinding and screening operations, as documented and approved by the Landfill Inspectors. By limiting the payment to actual operating hours, the City will limit its cost to productive hours only, and will avoid the added expenses of paid leaves, supervision of the employees, and work scheduling to cover absences. The efficiency of the operations at Brooks will not be negatively impacted, since all the operators will work under uniform direction. The contractor will also be better able to direct unloading locations and equipment flow in the limited landfill space for improved safety. The grinding and screening operations will be monitored by the City of Wichita's landfill inspectors who presently monitor the contractor's current operations. The proposal also allows the City of Wichita to relocate this equipment, and utilize Herzog's operators if necessary for emergency uses, such as debris removal from natural disasters. A Supplemental Agreement providing for these services has been prepared for City Council consideration.

The proposal provides for the following hourly costs to the City:

	Up to 40 hours per week	Exceeding 40 hours per week
Equipment Operator	\$28/hr.	\$38/hr.
Spotter	\$15/hr.	\$19/hr.

Trash Disposal to Transfer Station: \$30/load plus tipping fee

Annual cost of this Supplemental Agreement is not to exceed \$90,000. This compares favorably with the City's option to hire two full-time equipment operators for this work. The current budget provides for 2 positions with an annual salary and benefits cost of \$96,410. The contractor's proposal would save the City the excess cost of the positions, and avoid the cost to the City from non-productive (paid leave) time of the employees. Funds are available in the 2004 C&D Landfill budget.

Motion--
--carried

Mayans moved that the Supplemental Agreement be approved; the necessary transfer of funds authorize and the necessary signatures authorized. Motion carried 6 to 0; (Fearey absent).

CONDEMNATIONS REPAIR OR REMOVAL OF DANGEROUS AND UNSAFE STRUCTURES.

Agenda Report No. 04-0514

On May 3, 2004 the Board of Code Standards and Appeals (BCSA) held a hearing on the following property. This property is considered a dangerous and unsafe structure, and is being presented to schedule a condemnation hearing before the Governing Body.

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Improvement notices were issued on this structure, however compliance has not been achieved. Pre-condemnation and formal condemnation letters were issued and the time granted has expired. No action has been taken to repair or remove this property.

Property Address

a. 511 North Wabash (Commercial Building)

Council District

I

This structure has defects that under Ordinance No. 28-251 of the Code of the City of Wichita shall cause it to be deemed as a dangerous and unsafe building, as required by State Statute for condemnation consideration.

Motion--

Mayans moved that the resolution to schedule a hearing and place this matter on the agenda for a Hearing before the Governing Body on July 13, 2004, at 9:30 a.m., or as soon thereafter, be approved.

--carried

Motion carried 6 to 0; (Fearey absent)

RESOLUTION No. 04-272

A Resolution fixing a time and place and providing for notice of a hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as the south 40 feet of the east half of lot 3, Pearce and Vantillburgh's addition to the City of Wichita, Kansas, Sedgwick County, Kansas known as 511 North Wabash, may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas; Brewer, Gray, Lambke, Martz, Schlapp, Mayans. (Fearey absent)

PURCHASE ORDERS BLANKET PURCHASE ORDERS RENEWAL OPTIONS-APRIL 2004.

Motion--carried

Mayans moved that the report be received and filed. Motion carried 6 to 0; (Fearey absent).

EXPENSE REPORT EXPENSE FOR SENIOR MANAGEMENT.

Motion--carried

Mayans moved that the report be received and filed. Motion carried 6 to 0; (Fearey absent).

FIRE APPARATUS 2005 FIRE APPARATUS REPLACEMENT PROGRAM.

Agenda Report No. 04-0515

The Fire Department heavy equipment fleet consists of 32 pieces of front-line equipment, including two aerials, three aerial platforms, 16 engines (pumpers), six quints, one heavy rescue, two mobile air trucks, one tender and one hazardous materials truck. To ensure service readiness at all times, accommodate training needs and maintain the City's fire insurance (ISO) rating, the fleet also includes seven reserve units, for a total of 39 fire heavy apparatus. With an average service life ranging from 10 to 20 years, several pieces of equipment must be replaced each year in order to maintain fire protection capabilities and keep the fleet current.

The Capital Improvement Program includes funds in 2005 to replace fire apparatus. Four apparatus are scheduled to be replaced, three engines and one aerial platform. Equipment is also required to properly equip these vehicles for fire protection services, such as fire hose, hose reels, rescue tools and hand-held lights.

Significant price increases in the steel industry have caused City capital projects that require large amounts of steel to become more expensive. The City's fire apparatus provider is imposing a surcharge on their products beginning June 1, 2004. The surcharge would add over \$81,000 to the City's costs on the planned 2005 replacements.

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City staff has negotiated with the manufacturer to avoid the price increase. By issuing a Purchase Order before June 1, the City can avoid the price increase. The purchase would be completed in the fall, and the apparatus would be delivered in the spring of 2005, consistent with the funding schedule approved in the CIP.

The estimated project cost of \$2,370,000 is included in the approved CIP. The funding source is General Obligation Bonds.

Motion--
--carried

Mayans moved that the project be approved; the bonding resolution adopted and the necessary signatures authorized. Motion carried 6 to 0; (Fearey absent).

RESOLUTION NO. 04-273

A Resolution determining the advisability of acquiring fire-fighting equipment in the City of Wichita, Kansas, and setting forth the general nature and the estimated cost of such equipment; authorizing and providing for the acquisition and financing of the equipment in accordance with the findings of the governing body; and directing the publication of this resolution, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Gray, Lambke, Martz, Schlapp, Mayans. (Fearey absent)

WEED & SEED

FY2003/04 WEED AND SEED PROGRAM. (DISTRICT I)

Agenda Report No. 04-0516

The Weed and Seed Program is a federally-funded grant program that brings together Federal, state, and local law enforcement agencies; social service providers; representatives of the public and private sectors; prosecutors; business owners; and neighborhood residents to "weed" out violent crime and gang activity, while "seeding" the community with social services and economic revitalization. The Weed and Seed Program is administered in "officially recognized" sites. Since 1995, the officially recognized site has the following boundaries: Central on the South, Old Manor from 17th to Central and Hillside from 17th to 29th Street on the East, Hydraulic on the West, and 29th Street on the North.

For federal fiscal year 2003, funding for the "weeding" component of the Weed and Seed Program is provided through federal funds granted to the Wichita Family Services Institute, Inc. for law enforcement activities. The Wichita Police Department will receive \$36,409 from the 2003 Weed and Seed Program for expenses, including overtime, training, equipment, vehicle rental, and buy money.

The Wichita Police Department will receive a payment of \$36,409 from the Wichita Family Services Institute, Inc. for overtime, training, equipment, vehicle rental, and buy money. No local match is required.

Motion--carried

Mayans moved that the receipt of funds be approved. Motion carried 6 to 0; (Fearey absent).

INTERCEPTOR SEWER

CRESTVIEW COUNTRY CLUB INTERCEPTOR SEWER. (DISTRICT II)

Agenda Report No. 04-0517

On March 6, 2001, the City Council approved the acquisition of the Four Mile Creek Sewer District assets from Sedgwick County. Approximately 80% of the residents of the Four Mile Creek Sewer District live within Wichita's city limits. This area is growing at a rapid rate. On March 20, 2001, the City Council approved the contract for improvements to the Four Mile Creek sewer system. The projects will improve the treatment process, increase the treatment capacity and increase the size of the service area.

The installation of a sanitary sewage lift station along with accompanying gravity and force mains was recommended to provide service to an expanding growth area in east Wichita. The total service area

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will be approximately 5.5 square miles. The sewage collected from the service area will be treated at the Four Mile Creek facility. The existing Crestview Lift Station on 13th Street will be abandoned.

On October 22, 2002, the City Council approved an agreement between the City and Ruggles & Bohm, P.A. to design a sanitary sewer lift station, gravity sewer lines to the lift station, and a force main from the lift station to the Four Mile Creek Sanitary Sewage Treatment Plant to serve the area between 13th Street North and 29th Street North, from Greenwich Road to 143rd Street East.

Attempts by staff to obtain an easement for construction of a new lift station on the north side of 13th Street, between 127th Street East and 143rd Street East were unsuccessful. Staff and the consulting engineer decided to evaluate a gravity sewer interceptor across the Crestview Country Club golf course. Construction of an interceptor sewer across the golf course will require additional easements from Crestview Country Club. Construction of the new gravity sewer requires approximately 3 acres of permanent easements and 2.2 acres of temporary easements. Crestview Country Club has agreed to a negotiated settlement of \$250,000 to cover the cost of easements and disruption of the golf course during construction. The City will be responsible for restoration of damage done by the construction (restoration). Staff and the engineer estimate that restoration will cost about \$400,000.

Staff and the City's engineers have performed a present value analysis of the pump station and force main as compared to the proposed gravity sewer interceptor. That analysis has the recommended gravity sewer project being the lower present value cost by approximately \$400,000 after 20 years and by about \$1.8 million after 40 years.

The negotiated price for the easement is \$250,000. An additional \$7,500 is needed for closing and title work. The additional cost of engineering services to complete the design of the project is \$93,798.00. The Capital Improvement Program project (CIP S-532) has a total budget of \$4,400,000 and was approved by the City Council on August 6, 2002. In order to complete the project as recommended, an additional \$1,600,000 of CIP budget authority will be needed and is available in CIP S-5.

The City Council must approve transfers of funds in the CIP and supplemental agreements in excess of \$10,000. The City Council must also approve the acquisition of real property. The Law Department will review and approve the acquisition contract and the supplemental agreement as to form before the Mayor signs.

Motion--

Mayans moved that the acquisition of easements from Crestview County Club for \$250,000 be approved; the supplemental engineering agreement with Ruggles & Bohm for \$93,798 and a transfer of \$1,600,000 from S-5 to S-532 be approved; the Resolution be adopted; and the necessary signatures authorized. Motion carried 6 to 0; (Fearey absent).

--carried

RESOLUTION NO. 04-271

A Resolution amending Resolution No. R-02-379 pertaining to the construction of a sanitary sewer pump station at 13th Street and force main to the Four Mile Creek Wastewater Treatment Plant (S-532) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0; Yeas: Brewer, Gray, Lambke, Martz, Schlapp, Mayans. (Fearey absent)

SIGNALIZATION PROGRAM

2004 AND 2005 TRAFFIC SIGNALIZATION PROGRAM. (DISTRICTS I, II, IV & V)

Agenda Report No. 04-0518

The 2004 and 2005 Capital Improvement Program includes a project to install traffic signals at major intersections and signalize school crosswalks.

Analysis: The locations in the 2004 and 2005 program are:

29th at Oliver \$120,000

37th at Rock \$150,000

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21st at 127th Street East \$60,000
Central at 119th Street West \$150,000
MacArthur at Hoover \$60,000
Woodlawn, south of 29th Street North \$35,000
(school crossing)
Woodlawn, south of Harry \$35,000
(school crossing)

The estimated project cost is \$610,000. The CIP budget is \$700,000. Locations for the remaining budget will be identified at a later date. The funding source is General Obligation Bonds.

Motion--
Carried

Mayans moved that the project be approved and the Resolution adopted. Motion carried 6 to 0; (Fearey absent).

RESOLUTION NO. 04-274

A Resolution finding it necessary to construct traffic signal systems at the intersections of 29th at Oliver; 37th at Rock; 21st at 127th Street East; Central at 119th Street West, Macarthur at Hoover and pedestrian crosswalk signal systems on Woodlawn, approximately 150 feet south of Pepperwood and on Hydraulic, approximately 300 feet south of Harry (2004 traffic signal program) 472-83991 and authorizing the issuance of bonds by the city of Wichita at Large, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Gray, Lambke, Martz, Schlapp, Mayans. (Fearey absent)

IVR

MUNICIPAL COURT INTERACTIVE VOICE RESPONSE (IVR)-SELECTION OF VENDOR.

Agenda Report No. 04-0519

Interactive Voice Response or IVR systems are a technology that lets callers interact with information systems via the telephone. Many organizations and citizens utilize IVR systems on a daily basis to perform functions vital to their business. IVR systems are available 7 days a week, 24 hours a day. On October 8th of 2002 the City Council approved a contract with Frank Solutions, Inc (FSI) to replace the legacy IVR system for the Office of Central Inspection (OCI) and provide systems to the Water and Sewer, and Housing Services Departments to enhance their customer service. FSI and their IVR application, Telepath TM, were selected via an RFP.

The OCI part of the system allows contractors to request and schedule inspections, and check the status of permits and inspections. It also allows inspectors to report inspection results. The Water and Sewer part of the system allows citizens to pay their water bills, retrieve account information, report emergencies, receive utility information, initiate a water service shutdown, and transfer service. Housing Services' system provides waiting list position as well as account status to vendors, tenants, and applicants in all of their housing assistance programs.

Municipal Court would like to expand the IVR system to enable it to provide customer service applications for the Court business process. A Court IVR system would enable citizens to find out the amount of traffic and parking fines and even pay for them over the phone, gain general information about Court, and attorneys would be able to schedule court cases. The system would also call citizens to remind them of probation reporting and court dates. It is recommended that this system be purchased to improve the customer service capabilities of Municipal Court.

With an IVR System, court would increase information availability from 8-5 Monday through Friday to 24 x 7, as well as significantly reduce a high call abandonment rate.

On April 2, 2004 the IT/IS Advisory Board considered and approved the Municipal Court project and recommends its approval by the City Council.

The total expenditure for these services will not exceed \$256,000. The purchase is proposed to be made according to the Purchasing Ordinance 38-122(g), relating to high technology items. The sources of

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these funds are the Municipal Court Project account. Ongoing annual maintenance expenses of \$23,000 are in the Municipal Court budget.

The Law Department will review and approve the contract as to form.

Motion--
--carried

Mayans moved that the Court IVR project and contract be approved; the necessary fund transfers be approved and the necessary signatures authorized. Motion carried 6 to 0; (Fearey absent).

HARDWARE PURCH. OPERATING SYSTEM REPLACEMENT-HARDWARE PURCHASE.

Agenda Report No. 04-0520

The Water & Sewer Department is currently in the process of replacing the System Control and Data Acquisition (SCADA) operating system. This replacement will provide enhanced reliability of the system as well as allowing standardization of hardware between the Production & Pumping and Sewage Treatment divisions. A contract with R.E. Pedrotti for hardware installation and programming was approved on March 2, 2004. The contract did not include hardware.

Logic Controls is the preferred hardware vendor for R.E. Pedrotti. They are also the local vendor for the GE/Fanuc PLC hardware that is the new standard for the SCADA systems. Logic Controls has provided a quote in the amount of \$117,378.50 for necessary hardware.

Operating System Replacement (CIP W-885) has a budget of \$500,000 in 2004. It will be funded from future revenue bonds and/or Water Utility cash reserves. Council approval is required for sole source purchasing.

Motion--
carried

Mayans moved that a sole source purchase from Logic Controls be approved. Motion carried 6 to 0; (Fearey absent).

CONRADY

SETTLEMENT OF LAWSUIT-CONRADY V. CITY OF WICHITA-CASE NO. 03 CV 2833.

Agenda Report No. 04-0521

In 2001 there were two sewer back-ups that occurred in the Heritage Town homes near the intersection of 13th and Rock Road. Alan and Debby Conrady suffered property damage as a result of these back-ups. They filed a lawsuit against the City seeking damages in excess of \$250,000. They also sued the Kwan Court restaurant to the north of their property on the theory that the restaurant allowed grease into the sewer lines and the grease was the cause of the back ups.

All parties participated in a mediation to try to resolve the lawsuit. As a result, the Conradys agreed that they would accept \$47,500 in full settlement of their claims. The City's contribution to that settlement would be \$20,000. The restaurant's contribution would be \$27,500.

The cost of this settlement will be paid from the City's tort claims fund and ultimately will be allocated to the Water and Sewer Utility.

The Law Department recommends acceptance of the plaintiffs' offer of settlement of this lawsuit.

Motion--
--carried

Mayans moved that a settlement payment in Case No. 03 CV 2833 of \$20,000 be approved. Motion carried 6 to 0; (Fearey absent).

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8630 W. KELLOGG SALE OF SURPLUS PROPERTY - LOCATED ADJACENT TO 8630 WEST KELLOGG.
(DISTRICT V)

Agenda Report No. 04-0522

The owners of 8630 West Kellogg have offered to acquire an approximately 2,100 square foot parcel of City-owned land adjacent to their property. The property is currently undeveloped with limited landscaping.

The owners have offered \$5.00 per square foot (\$10,500). Adjacent owners were contacted and have no interest in the parcel. They have agreed to not allow the site to be used for a billboard site. They intend to incorporate the parcel into their parking and site landscaping.

The City will receive cash consideration from the sale of the property at closing and the tract will return to the tax rolls.

Motion--
--carried

Mayans moved that the Real Estate Purchase Contracts be approved and the necessary signatures authorized. Motion carried 6 to 0; (Fearey absent).

ORDINANCES

SECOND READING ORDINANCES: (FIRST READ MAY 11, 2004)

a) ORDINANCE NO. 46-178

An Ordinance authorizing the City of Wichita, Kansas to issue its Health Care Facilities Refunding and Improvement Revenue Bonds, Series III, 2004 (Presbyterian Manors, Inc.) in the aggregate principal amount of not to exceed \$24,000,000 for the purposes of refunding certain outstanding City of Wichita, Kansas, Bonds and paying the cost of renovating and equipping certain health care facilities; prescribing the form and authorizing execution of an eighth supplemental bond indenture by and between the City and BNY Trust Company of Missouri, as Bond Trustee; prescribing the form and authorizing the execution of a seventh supplemental lease agreement by and between Presbyterian Manors, Inc. and the City; approving the form of the guaranty agreement to be executed in connection with the issuance of said bonds; authorizing execution of a tax compliance agreement by and among the issuer, the bond trustee and Presbyterian Manors, Inc.; authorizing execution of an escrow deposit agreement by and among the issuer, BNY Trust Company of Missouri, as escrow trustee, and Presbyterian Manors, Inc.; and authorizing the execution of a bond purchase agreement by and between the City, Presbyterian Manors, Inc. and Ziegler Capital Markets Group, as underwriter of the bonds, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Gray, Lambke, Martz, Schlapp, Mayans. (Fearey absent)

DR2002-00001 - generally located south of 18th Street, west of the Union Pacific/BNSF Railroad, north of Murdock Street and east of The Little Arkansas River.

ORDINANCE NO. 46-179

An Ordinance adopting the Midtown Neighborhood Plan as an amendment to the Wichita-Sedgwick County Comprehensive Plan, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Gray, Lambke, Martz, Schlapp, Mayans. (Fearey absent) (DR2002-00001)

FIRST READING ORDINANCES:

a) Building condemnations.

An Ordinance making a special assessment to pay for the removal of certain structures, being dangerous and unsafe buildings, which have been declared a nuisance (building condemnation) under the provision of Sections 18.16.010 to 18.16.090 of the Code of the City of Wichita, Kansas, introduced and under the rules laid over.

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Motion--carried Mayans moved that the Ordinance be placed on first reading. Motion carried 6 to 0; (Fearey absent).

(Agenda Item 30b)

b) Sidewalk cleaning.

Council Member Lambke Council Member Lambke stated that there is no background information on this item and he is a little sensitive when it comes to the City cleaning sidewalks. Stated that he would like to know exactly what the proposal is.

Gary Rebenstorf Director of Law explained that the City has to go in and clean the sidewalk area because it is hazardous to the public to walk in that area and once this is done it is charged back to the property owner who is responsible for doing that clean up and if it is not paid, then it becomes a special assessment on the property.

Motion--carried Mayans moved to defer Item 30b for future discussion. Motion carried 6 to 0; (Fearey absent).

PLANNING AGENDA

Motion-- Mayans moved that the Planning Agenda be approved as presented. Motion carried 6 to 0; (Fearey absent)
--carried

SUB2003-110.

SUB2003-110-PLAT OF SAND PLUM ADDITION, LOCATED SOUTH OF 45TH STREET NORTH, ON THE WEST SIDE OF WEBB ROAD. (DISTRICT II)

Agenda Report No. 04-0523

Staff Recommendation: Approve the plat.
MAPC Recommendation: Approve the plat. (8-0)

This unplatted site consists of 20 lots on 10 acres and is zoned SF-5 Single-Family Residential District and LI, Limited Industrial District (Lots 1 and 2, Block 1). This site is located within Wichita's city limits.

Petitions, 100 percent, and a Certificate of Petitions were submitted for sewer, water, paving and drainage improvements. This site is located within the noise impact areas of McConnell Air Force Base and Colonel James Jabara Airport; therefore, a Restrictive Covenant and an Avigational Easement were submitted. Restrictive Covenants were also submitted 1) requiring four (4) off-street spaces be provided per dwelling unit on each lot that abuts a 58-foot street; and 2) providing for the ownership and maintenance of the reserves.

The Certificate of Petitions, Restrictive Covenants (3) and Avigational Easement will be recorded with the Register of Deeds.

Motion-- Mayans moved that the documents and Plat be approved; the necessary signatures be authorized; and the Resolutions be adopted. Motion carried 6 to 0; (Fearey absent).
--carried

RESOLUTION NO. 04-245

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System 448,89958 (south of 45th Street North, west of Webb) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Gray, Lambke, Martz, Schlapp, Mayans. (Fearey absent)

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RESOLUTION NO. 04-246

Resolution of findings of advisability and Resolution authorizing construction of Lateral 108, Sanitary Sewer #23, 468-83822 (south of 45th Street North, west of Webb) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Gray, Lambke, Martz, Schlapp, Mayans. (Fearey absent)

RESOLUTION NO. 04-247

Resolution of findings of advisability and Resolution authorizing improving 43rd Street Circle for a new street on the east side of Webb Road on 43rd Street North, 472-84027, (south of 45th Street North, west of Webb) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Gray, Lambke, Martz, Schlapp, Mayans. (Fearey absent)

SUB2003-139

SUB2003-139-PLAT OF BRENTWOOD SOUTH SECOND ADDITION, LOCATED ON THE NORTH SIDE OF PAWNEE, EAST OF WEBB ROAD. (DISTRICT II)

Agenda Report No. 04-0524

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (11-0)

This unplatted site, consisting of 18 lots on 12.76 acres, has recently been annexed into Wichita's city limits. A zone change request (ZON 2003-76) from SF-20, Single-Family Residential District to TF-3, Two-Family District and LC, Limited Commercial District has been approved.

A petition for street improvements along Pawnee will be handled by the County. Other petitions (100 percent) have been submitted for sewer, water and paving improvements. Both a City and County Certificate of Petitions have been submitted. A Temporary Drainage Easement has also been submitted.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days. Publication of the Ordinance should be withheld until the plat is recorded with the Register of Deeds.

The Certificates of Petitions and Temporary Drainage Easement will be recorded with the Register of Deeds.

Motion--

--carried

Mayans moved that the documents and Plat be approved; the ZON 2003-76 Ordinance be placed on first reading with publication being withheld until the Plat is recorded with the Register of Deeds; the necessary signatures be authorized; and the Resolutions be adopted. Motion carried 6 to 0; (Fearey absent).

RESOLUTION NO. 04-248

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89947 (north of Pawnee, east of Webb) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Gray, Lambke, Martz, Schlapp, Mayans. (Fearey absent)

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RESOLUTION NO. 04-249

Resolution of findings of advisability and Resolution authorizing construction of Lateral 369, Four Mile Creek Sewer, 468-83802 (north of Pawnee, east of Webb) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Gray, Lambke, Martz, Schlapp, Mayans. (Fearey absent)

RESOLUTION NO. 04-250

Resolution of findings of advisability and Resolution authorizing improving Kinkaid Circle, from the east line of Brentwood South Second Addition to and including cul-de-sac, 472-83994 (north of Pawnee, east of Webb) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Gray, Lambke, Martz, Schlapp, Mayans. (Fearey absent)

RESOLUTION NO. 04-251

Resolution of findings of advisability and Resolution authorizing improving left and right turn lanes on Pawnee, in the vicinity of the opening driveway opening along the south line of Lot 1 Block B, Brentwood South Second Addition, 472-84033 (north of Pawnee, east of Webb) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Gray, Lambke, Martz, Schlapp, Mayans. (Fearey absent)

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, introduced and under the rules laid over. ZON 2003-76

SUB2004-05

SUB2004-05-PLAT OF TURKEY CREEK ADDITION, LOCATED ON THE NORTH SIDE OF PAWNEE AND ON THE WEST SIDE OF 119TH STREET WEST. (DISTRICT IV)

Agenda Report No. 04-0525

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (9-2)

The negative votes reflect the concern of the Commissioners regarding a public access easement for a bike path. This unplatted site, consisting of 193 lots on 96.5 acres, has recently been annexed into Wichita's city limits and is zoned SF-5, Single-Family Residential District.

Petitions, 100 percent, and a Certificate of Petitions have been submitted for sewer, water, drainage and paving improvements.

A Restrictive Covenant has been submitted that allows for the creation of a lot owners' association to provide for the ownership and maintenance of those reserves being platted for drainage purposes. A Restrictive Covenant was also submitted providing four (4) off-street parking spaces per dwelling unit on each lot that abuts a 58-foot street. A Sanitary Sewer Easement has been submitted.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The Certificate of Petition, Restrictive Covenants (2) and Sanitary Sewer Easement will be recorded with the Register of Deeds.

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Motion--
--carried

Mayans moved that the documents and Plat be approved; the necessary signatures be authorized; and the Resolutions be adopted. Motion carried 6 to 0; (Fearey absent).

RESOLUTION NO. 04-252

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System No. 448-89959 (north of Pawnee, west of 119th Street West) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Gray, Lambke, Martz, Schlapp, Mayans. (Fearey absent)

RESOLUTION NO. 04-253

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System No. 448-89960 (north of Pawnee, west of 119th Street West) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Gray, Lambke, Martz, Schlapp, Mayans. (Fearey absent)

RESOLUTION NO. 04-254

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System No. 448-89961 (north of Pawnee, west of 119th Street West) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Gray, Lambke, Martz, Schlapp, Mayans. (Fearey absent)

RESOLUTION NO. 04-255

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System No. 448-89962 (north of Pawnee, west of 119th Street West) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Gray, Lambke, Martz, Schlapp, Mayans. (Fearey absent)

RESOLUTION NO. 04-256

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System No. 448-89963 (north of Pawnee, west of 119th Street West) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Gray, Lambke, Martz, Schlapp, Mayans. (Fearey absent)

RESOLUTION NO. 04-257

Resolution of findings of advisability and Resolution authorizing construction of Main 6, Cowskin Interceptor Sewer, 468-83817 (north of Pawnee, west of 119th Street West) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Gray, Lambke, Martz, Schlapp, Mayans. (Fearey absent)

RESOLUTION NO. 04-258

Resolution of findings of advisability and Resolution authorizing construction of Lateral 1, Main 6, Cowskin Interceptor Sewer, 468-83818 (north of Pawnee, west of 119th Street West) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Gray, Lambke, Martz, Schlapp, Mayans. (Fearey absent)

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RESOLUTION NO. 04-259

Resolution of findings of advisability and Resolution authorizing construction of Lateral 2, Main 6, Cowskin Interceptor Sewer, 468-83819 (north of Pawnee, west of 119th Street West) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Gray, Lambke, Martz, Schlapp, Mayans. (Fearey absent)

RESOLUTION NO. 04-260

Resolution of findings of advisability and Resolution authorizing construction of Lateral 3, Main 6, Cowskin Interceptor Sewer, 468-83820 (north of Pawnee, west of 119th Street West) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Gray, Lambke, Martz, Schlapp, Mayans. (Fearey absent)

RESOLUTION NO. 04-261

Resolution of findings of advisability and Resolution authorizing improving Storm Water Drain No. 233, 468-83821 (north of Pawnee, west of 119th Street West) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Gray, Lambke, Martz, Schlapp, Mayans. (Fearey absent)

RESOLUTION NO. 04-262

Resolution of findings of advisability and Resolution authorizing improving of Jewell, from the east line of the plat to the west line of Lot 8, Block B; Grant, from the east line of the plat to the west line of Lot 1, Block D; Rogers Lane from the south line of Grant, south and west to the west line of Lot 16, Block A; Jewell Court (Lots 1 through 8, Block B), from the north line of Jewell, north to and including the cul-de-sac; Jewell Court (Lots 48 through 60, Block E), from the south line of Jewell, south to and including the cul-de-sac; Grant Court (Lots 1 through 13, Block E), from the north line of Grant, north to and including the cul-de-sac; Grant Court (Lots 1 through 10, Block A), from the south line of Grant, south to and including the cul-de-sac, and; Rogers Circle, from the north line of Grant, north to and including the cul-de-sac, Turkey Creek Addition, 472-84028, (north of Pawnee, west of 119th Street West) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Gray, Lambke, Martz, Schlapp, Mayans. (Fearey absent)

RESOLUTION NO. 04-263

Resolution of findings of advisability and Resolution authorizing improving of Jewell, from the west line of Lot 8, Block B, west to the west line of Wheatland; Wheatland, from the north line of Jewell, south to the south line of Lot 11, Block D; Grant, from the east line of Wheatland, east to the west line of Lot 1, Block D; Jewell Court, from the south line of Jewell, south to and including the cul-de-sac, and; Wheatland Court, from the westerly line of Wheatland north to and including the cul-de-sac, Turkey Creek Addition, 472-84029 (north of Pawnee, west of 119th Street West) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Gray, Lambke, Martz, Schlapp, Mayans. (Fearey absent)

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RESOLUTION NO. 04-264

Resolution of findings of advisability and Resolution authorizing improving of Wheatland, from the south line of Lot 11, Block D, south to the south line of the Plat; Rogers Lane from the west line of Lot 16, Block A, south to the west line of Wheatland; Haskell, from the east line of Wheatland, east to the west line of Rogers Lane; Wheatland Court, from the east line of Wheatland, east to and including the cul-de-sac, and; sidewalk constructed along one side of Wheatland, Rogers Lane and Haskell, Turkey Creek Addition, 472-84030 (north of Pawnee, west of 119th Street West) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Gray, Lambke, Martz, Schlapp, Mayans. (Fearey absent)

RESOLUTION NO. 04-265

Resolution of findings of advisability and Resolution authorizing improving of left turn lane on Pawnee Avenue to serve the eastbound traffic, Turkey Creek Addition, 472-84031 (north of Pawnee, west of 119th Street West) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Gray, Lambke, Martz, Schlapp, Mayans. (Fearey absent)

SUB2004-08

SUB2004-08-PLAT OF REED'S COVE THIRD ADDITION, LOCATED EAST OF 127TH STREET EAST, ON THE SOUTH SIDE OF 21ST STREET NORTH. (DISTRICT II)

Agenda Report No. 04-0526

Staff Recommendation: Approve the plat.
MAPC Recommendation: Approve the plat. (10-0)

This unplatted site consists of 50 lots on 54.77 acres and is zoned SF-5, Single-Family Residential District. The eastern portion of this site has recently been annexed into Wichita's city limits.

Petitions, 100 percent, and a Certificate of Petitions for sewer, water, drainage and left-turn lane improvements have been submitted.

Restrictive Covenants have been submitted to: 1) create a lot owners' association to provide for the ownership and maintenance of those reserves being platted for drainage purposes; 2) provide for the ownership and maintenance of private streets; and 3) provide for the maintenance and responsibility of drainage reserves located within residential lots.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The Certificate of Petitions and Restrictive Covenants (3) will be recorded with the Register of Deeds.

Motion--
--carried

Mayans moved that the documents and Plat be approved; the necessary signatures be authorized; and the Resolutions be adopted. Motion carried 6 to 0; (Fearey absent).

RESOLUTION NO. 04-266

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System No. 448-89956 (east of 27th Street East, south of 21st Street) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Gray, Lambke, Martz, Schlapp, Mayans. (Fearey absent)

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RESOLUTION NO. 04-267

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System No. 448-89957 (east of 27th Street East, south of 21st Street) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Gray, Lambke, Martz, Schlapp, Mayans. (Fearey absent)

RESOLUTION NO. 04-268

Resolution of findings of advisability and Resolution authorizing construction of Lateral 370, Four Mile Creek Sewer, Reed's Cove Third Addition, 468-83815 (east of 27th Street East, south of 21st Street) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Gray, Lambke, Martz, Schlapp, Mayans. (Fearey absent)

RESOLUTION NO. 04-269

Resolution of findings of advisability and Resolution authorizing construction of Storm Water Sewer No. 605, Reed's Cove Third Addition, 468-83816 (east of 27th Street East, south of 21st Street) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Gray, Lambke, Martz, Schlapp, Mayans. (Fearey absent)

RESOLUTION NO. 04-270

Resolution of findings of advisability and Resolution authorizing improving of left turn lane on 21st Street North to serve the westbound traffic, Reed's Cove Third Addition, 472-84032 (east of 27th Street East, south of 21st Street) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Gray, Lambke, Martz, Schlapp, Mayans. (Fearey absent)

A04-14

A04-14-REQUEST BY MR. ROGERS TO ANNEX LAND GENERALLY LOCATED TO THE SOUTHEAST OF THE INTERSECTION OF HILLSIDE AND 53RD STREET NORTH. (DISTRICT I)

Agenda Report No. 04-0527

The City has received a request to annex 14.1 acres of land generally located to the southeast of the intersection of Hillside and 53rd Street North. The annexation area abuts the City of Wichita to the west of the property. The proposed annexation currently includes the owner's single-family residence. The owner plans to develop the west portion of the property as an office/commercial use.

Land Use and Zoning: The proposed annexation consists of 14.1 acres zoned "SF-20" Single Family, currently in agricultural and rural residential use. The property to the west of the proposed annexation is in the City of Wichita, zoned "SF-5" Single Family and "LC" Limited Commercial, and is in use as a USD 259 high school. The properties to the north of the proposed annexation are in Sedgwick County, zoned "SF-20" Single Family Residential and "LC" Limited Commercial, and are in use as a suburban residential single family residence and church, respectively. The properties to the south of the proposed annexation area are in Sedgwick County, currently zoned "SF-20" Single Family, and are in agricultural or suburban residential use. The property to the east of the proposed annexation is in Sedgwick County, in agricultural and rural residential use, and zoned "SF-20" Single Family.

Public Services: Public water service is available to the proposed annexation from Hillside Ave. Public sewer will require extension of a lateral benefit district from the existing main, which is generally along the creek to the east.

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Street System: The subject property fronts on 53rd Street North and Hillside Avenue. Currently, 53rd Street North and Hillside Avenue are two-lane paved county roads. Neither the City of Wichita Capital Improvement Program 2004-2013 nor the Sedgwick County Transportation Improvement Plan 2004-2008 draft call for improvements to either roadways.

Public Safety: Fire services to this site can be provided by the City of Wichita within an eleven (11) to twelve (12) minute approximate response time from City Station No. 3 located at 3621 N. Broadway. Upon annexation, police protection will be provided to the area by the Patrol North Bureau of the Wichita Police Department, headquartered at 3015 E. 21st Street.

Parks: Alley Park, a 5.89-acre park, is located approximately 1.5 miles southeast of the proposed annexation site. A pathway is proposed one mile to the west of the proposed annexation area in the 1996 Parks and Open Space Master Plan.

School District: The annexation property is part of the Unified School District 259 (Wichita School District). Annexation will not change the school district.

Comprehensive Plan: The proposed annexation is consistent with current amendments to the Wichita-Sedgwick County Comprehensive Plan. The annexation property falls within the 2010 Wichita Urban Service Area as shown in the Plan.

The current approximate appraised value of the proposed annexation area is \$127,860, with a total assessed value of \$14,704. Using the current City levy (\$31.406/\$1000 x assessed valuation), this roughly yields \$462 in City annual tax revenues for the property. The future assessed value of this property will depend on the type and timing of any other developments on the proposed annexation property, and the current mill levy.

The property is eligible for annexation under K.S.A. 12-519, et seq.

Motion--
--carried

Mayans moved that the annexation request be approved and the Ordinance be placed on first reading. Motion carried. Motion carried 6 to 0; (Fearey absent).

ORDINANCE

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, introduced and under the rules laid over. A04-14

A04-15

A04-15-REQUEST BY RITCHIE INVESTMENTS CO. TO ANNEX LAND GENERALLY LOCATED TO THE NORTHWEST OF THE INTERSECTION OF RIDGE ROAD AND 37TH STREET NORTH. (DISTRICT V)

Agenda Report No. 04-0528

The City has received a request to annex 2.5 acres of land situated northwest of the intersection of Ridge Road and 37th Street North. The annexation area abuts the City of Wichita to the south, east, and west of the property. The property is currently a reserve in the Ridge Addition. The property owner has no immediate plans for development.

Land Use and Zoning: The annexation area is currently vacant and zoned "SF-20" Single Family Residential. The properties to the east, south, and west of the proposed annexation are zoned Single Family "SF-5," and in agricultural use. The properties to the west of the proposed annexation have been platted but are not yet developed and are still in agricultural use. The properties to the north of the proposed annexation are in agricultural use and zoned "SF-20" Single Family.

Public Services: Currently the nearest available water & sewer facilities are just south of the intersection of 37th Street North and Ridge Rd. There is water being designed to go in 37th Street North, west from Ridge and into the new housing subdivisions along 37th Street North. As part of

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Ridge Addition public water and sewer will be extended to all lots of the addition per the plat requirements

Street System: The subject property does not have frontage on any public streets.

Public Safety: Under the City-County first response agreement, fire services to this site currently can be provided within a nine (9) to ten (10) minute approximate response time from City Fire Station #16 located at 1632 N. Tyler. Upon annexation, police protection will be provided to the area by the Patrol West Bureau of the Wichita Police Department, headquartered at 661 N. Elder.

Parks: Sedgwick County Park, a 645 acre park, is located approximately 2.5 miles to the south of the proposed annexation. An urban arterial is proposed approximately 2.5 miles to the south, connecting Sedgwick County Park to other park and trails facilities (Wichita-Sedgwick County Park and Open Space Master Plan 1996).

School District: The annexation property is part of the Unified School District 266 (Maize School District). Annexation will not change the school district.

Comprehensive Plan: The proposed annexation is consistent with current amendments to the Wichita-Sedgwick County Comprehensive Plan. The annexation property falls within the 2010 Wichita Urban Service Area as shown in the Plan.

The current approximate appraised value of the proposed annexation properties is \$200 with a total assessed value of \$24. Using the current City levy (\$31.406/\$1,000 x assessed valuation), this roughly yields \$1 in City annual tax revenues for the property. The future assessed value of this property will depend on the type and timing of any redevelopment and the current mill levy. However the property is a subdivision reserve and the owner has no plans for development at this time.

The property is eligible for annexation under K.S.A. 12-519, et seq.

Motion--
--carried

Mayans moved that the annexation request be approved and the Ordinance be placed on first reading. Motion carried. Motion carried 6 to 0; (Fearey absent).

ORDINANCE

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, introduced and under the rules laid over. A04-15

A04-16

A04-16-REQUEST BY BLUE LAKE, LLC AND BIG LAKE, INC. TO ANNEX LANDS GENERALLY LOCATED TO THE NORTHWEST OF THE INTERSECTION OF WEST STREET AND MACARTHUR ROAD. (DISTRICT VI)

Agenda Report No. 04-0529

The City has received a request to annex 39.68 acres of land generally located to the northwest of the intersection of West Street and MacArthur Road. The annexation area abuts the City of Wichita to the north, east and west of the property. The owner plans to develop the proposed annexation area and land to the north as a residential development with 272 single-family residential lots.

Analysis:

Land Use and Zoning: The proposed annexation consists of 39.68 acres currently zoned "LI" Limited Industrial and currently in agricultural use. The owner intends to rezone the property to "SF-5" Single Family Residential. The property to the north of the proposed annexation is owned by the same owner as the proposed annexation, is within the City of Wichita, and is zoned "MH" Manufactured Housing. The properties to the east of the proposed annexation are in the City of Wichita, zoned "LI" Limited Industrial and "SF-5" Single Family Residential, and are in use as a manufactured housing residential residences and in agricultural use, respectively. The properties to the south of the proposed annexation

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area are in Sedgwick County, currently zoned "LI" Limited Industrial, and are in agricultural use. Adjacent to the west boundary of the proposed annexation lays the Big Ditch.

Public Services: The nearest existing sewer line is half a mile east of West Street crossing MacArthur. Public Works Engineering is working on a main benefit district to serve this as well as other annexed properties in the area. Platting requirements will require the extension of a benefit district to serve all lots. The nearest existing water is on the northwest corner of West Street and MacArthur. A water supply and distribution benefit district project will be initiated as part of the platting requirements.

Street System: The subject property fronts on McArthur Road and Hillside Avenue, currently a two lane paved County road. Neither the City of Wichita Capital Improvement Program 2004-2013 nor the Sedgwick County Transportation Improvement Plan 2004-2008 draft call for improvements to either roadways.

Public Safety: Fire services to this site can be provided by the City of Wichita within a six (6) to seven (7) minute approximate response time from City Station No. 12 located at 3443 S. Meridian. Upon annexation, police protection will be provided to the area by the Patrol West Bureau of the Wichita Police Department, headquartered at 661 W. Elder.

Parks: South Lakes Park, a 250-acre park, is located approximately 3.5 miles southeast of the proposed annexation site. A pathway is proposed along the Big Ditch, connecting the area to other park and trail facilities (Wichita-Sedgwick County Park and Open Space Master Plan 1996).

School District: The annexation property is part of the Unified School District 261(Haysville School District). Annexation will not change the school district.

Comprehensive Plan: The proposed annexation is consistent with current amendments to the Wichita-Sedgwick County Comprehensive Plan. The annexation property falls within the 2010 Wichita Urban Service Area as shown in the Plan.

The current approximate appraised value of the proposed annexation area is \$7,220, with a total assessed value of \$830. Using the current City levy (\$31.406/\$1000 x assessed valuation), this roughly yields \$26 in City annual tax revenues for the property. The future assessed value of this property will depend on the type and timing of any other developments on the proposed annexation property, and the current mill levy. However, the property owner projects an overall appraised value of \$6,688,000 when development is completed, resulting in an assessed value of \$769,120. Assuming the current City levy remains about the same, this would roughly yield \$24,155 in City annual tax revenues.

The property is eligible for annexation under K.S.A. 12-519, et seq.

Motion--
--carried

Mayans moved that the annexation request be approved and the Ordinance be placed on first reading. Motion carried. Motion carried 6 to 0; (Fearey absent).

ORDINANCE

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, introduced and under the rules laid over. A04-16

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AIRPORT AGENDA

Motion--absent Mayans moved that the Airport Agenda be approved as presented. Motion carried 6 to 0; (Fearey absent).

AIRPORT/CESSNA SUBLEASE AGREEMENT-WICHITA AIRPORT FACILITIES & CESSNA AIRCRAFT COMPANY.

Agenda Report No. 04-0530

The Wichita Airport Authority has a land lease for use of 500,000 sq. ft. of land on Wichita Mid-Continent Airport with Wichita Airport Facilities (formerly known as Executive Aircraft Corporation). Constructed on this property is a hangar, which includes approximately 42,840 sq. ft. of hangar space and 7,200 sq. ft. of office space. Cessna Aircraft Company has subleased this space from Wichita Airport Facilities.

Cessna is desirous of subleasing this space from Wichita Airport Facilities for a period of six months commencing June 4, 2004. The sublease includes one six-month renewal option. At any time after the option term has been exercised, either party may cancel the agreement by giving the other party a 30-day notice.

The rental arrangement is between the two entities. There is no financial impact to the WAA.

Motion-- Mayans moved that the sublease agreement be approved and the necessary signatures authorized.
--carried Motion carried 6 to 0; (Fearey absent).

Recess Mayans moved that the City Council recess into Executive Session at 11:10 a.m. to consider: consultation with legal counsel on matters privileged in the attorney-client relationship relating to: pending litigation; potential litigation; legal advice; contract negotiations; personnel matters of non-elected personnel and matters relating to employer-employee negotiations and that the Council return from Executive Session no earlier than noon and reconvene in the City Council Chambers. Motion carried 6 to 0; (Fearey absent).

Reconvene Mayans moved at 12:00 p.m. to extend the Executive Session until 12:15 p.m. and reconvene in the City Council Chambers. Motion carried 6 to 0; (Fearey absent).

Reconvene The Council reconvened in the Council Chambers and Mayor Mayans reported that no action was taken and moved to close the Executive Session at 12:17 p.m. Motion carried 6 to 0; (Fearey absent).

Mayans moved to close the regular Council Meeting. Motion carried 6 to 0; (Fearey absent).

Adjournment The City Council meeting adjourned at 12:18 p.m.

Karen Sublett
City Clerk